

MAR.17'2004 11:44 2028351755

RECEIVED  
CLARK & BRODY  
CENTRAL FAX CENTER

#7910 P.001/003

CLARK  
&  
BRODY

MAR 17 2004

OFFICIAL

1750 K STREET, NW, SUITE 600  
WASHINGTON, DC 20006  
TELEPHONE: 202-835-1111  
FACSIMILE: 202-835-1755

**FACSIMILE TRANSMISSION**

TO: Examiner Pelham	COMPANY: U.S. Patent and Trademark Office
FAX NUMBER: 703 305-3463 746-4949	PHONE NUMBER:

From: Christopher W. Brody

Date: March 17, 2004

Total Number of Pages Including Cover Sheet: 3

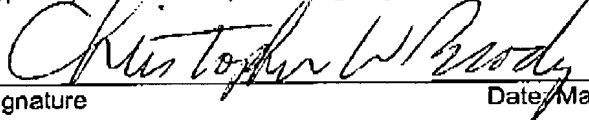
Message: Corrected Terminal Disclaimer for Application No. 10/069,498

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the Corrected Terminal Disclaimer for Application No. 10/069,498 is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

CHRISTOPHER W. BRODY

Type or print name of person signing certification.



Signature

Date: March 17, 2004

If you have not received the total number of pages, please call the facsimile department at (202) 835-1111. *Thank you.*

**IMPORTANT** - This message is intended solely to be used by the individual or entity to which it is addressed. It may contain information which is privileged, confidential and otherwise exempt by law from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to its intended recipient, you are herewith notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone immediately and return this communication to us at the above address via the United States Postal Service. *Thank you.*

Docket No. 12007-0013 .

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Günther, et al.

Serial No.: 10/069,498

Filing Date: February 27, 2002

For: ELECTRIC HEATING ELEMENT FOR HOT RUNNER SYSTEMS  
AND A METHOD FOR PRODUCING A HEATING ELEMENT OF THIS TYPE

Art Unit: 1742

Examiner: Pelham, J.M.

RECEIVED  
CENTRAL FAX CENTER

MAR 17 2004

OFFICIAL

RESUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

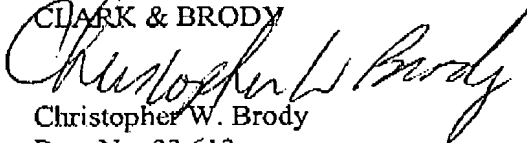
In response to the telephone discussion between the undersigned and Examiner Pelham of March 17, 2004, a corrected Terminal Disclaimer is being submitted herewith. The corrected Terminal Disclaimer now correctly identifies the filing date of application in conflict with the instant application. Since the Terminal Disclaimer fee has already been submitted, no further fee is necessary in connection with this paper.

Entry of the corrected Terminal Disclaimer is respectfully requested.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,

CLARK & BRODY

  
Christopher W. Brody  
Reg. No. 33,613

1750 K Street, NW, Suite 600  
Washington, DC 20006  
Telephone: 202-835-1111  
Docket No.: 12007-0013  
Date: March 17, 2004

# **TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.  
12007-0013

In re Application of: **Herbert GUNTHER et al.**

Application No. **10/069,498**

Filed: **February 27, 2002**

For: **Electric Heating Element for Hot Runner Systems and a Method for Producing a Heating Element of This Type**

The owner, Gunther Heisskanaltechnik GmbH of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/182,383, filed on July 29, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

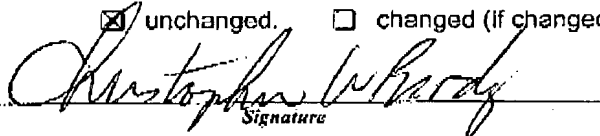
2. ☒ The undersigned is an attorney of record.
3. Owner/applicant is ☒ Small entity ☐ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \_\_\_\_\_ and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

- ☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

  
Signature

Dated: March 17, 2004

Name and Address of Person Signing

Christopher W. Brody, Reg. No. 33,613  
Clark & Brody  
1750 K Street, NW, Suite 600  
Washington, DC 20006  
Phone: 202-835-1111  
Fax: 202-835-1755

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence